

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

AUG 23 2018

BY D. MARK JONES, CLERK

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACOB ORTELL KINGSTON,  
ISAIAH ELDEN KINGSTON,  
LEV ASLAN DERMEN,  
a/k/a Levon Termendzhyan

Defendants.

Case No. 2:18CR00365

POST-INDICTMENT RESTRAINING  
ORDER PURSUANT TO  
21 U.S.C. § 853(e)(1)(A)

Judge Jill N. Parrish

**SEALED**

The United States has made an *ex parte* application to this Court, pursuant to 21 U.S.C. § 853(e)(1)(A), for a restraining order to preserve the availability of certain property that the United States seeks to forfeit in this case. Upon consideration of the United States' application it appears to the Court that there is reasonable cause to enter a restraining order to preserve the property described in Exhibit A (hereinafter "Subject Property") for forfeiture based upon the following:

1. That a federal grand jury for this district returned an Indictment charging the above defendants with federal crimes including money laundering in violation of 18 U.S.C. §§ 1956 and 1957. Furthermore, the Indictment contains a notice that:

All money or other property that was the subject of each transaction, transportation, transmission, or transfer in violation of 18 U.S.C. §§ 1956 and 1957, including . . . the outstanding balance of the loan owed by [Zubair Kazi] to SBK Holdings USA, Inc.; any and all interest payments made or owed to [Zubair Kazi], any and all principal payments made or owed by [Zubair Kazi]

is subject to criminal forfeiture under 18 U.S.C. § 982(a)(1)<sup>1</sup> as property involved in money laundering under 18 U.S.C. § 1956. Indictment at 19-20.

2. That the grand jury's issuance of the Indictment contains a description of the Subject Property's involvement in money laundering and establishes probable cause for the issuance of this restraining order.

3. That the Subject Property for which the order is sought would, in the event of Jacob Ortell Kingston or Lev Aslan Dermen's conviction, be subject to forfeiture under 18 U.S.C. § 982(a)(1).

4. That any third party claims to the Subject Property may be properly brought and resolved in ancillary proceedings conducted by this Court following the execution of a Preliminary Order of Forfeiture in accordance with the provisions of federal forfeiture law.

5. That the Court has jurisdiction to enter this order pursuant to 21 U.S.C. § 853(e)(1) as incorporated by 18 U.S.C. § 982(b)(1).

THEREFORE, IT IS HEREBY ORDERED AND DECREED:

That, effective immediately, Jacob Ortell Kingston, Isaiah Elden Kingston, Lev Aslan Dermen, Washakie Renewable Energy, LLC, SBK Holdings USA, Inc., and Zubair Kazi, and their agents, servants, employees, attorneys, family members and those persons in active concert or participation with them, and all persons and entities with knowledge of this Order, and those

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<sup>1</sup> The government acknowledged in its application that the reference in the Indictment to "21 U.S.C. § 982(a)(1)" is a clerical error and should read 18 U.S.C. § 982(a)(1).

persons, financial institutions, or entities who have any interest or control over the Subject Property, are hereby

RESTRAINED, ENJOINED, AND PROHIBITED, without prior approval of this Court and upon notice to the United States and an opportunity for the United States to be heard, from attempting or completing any action that would affect the availability or value of the Subject Property, including but not limited to, directly or indirectly, selling, transferring, assigning, pledging, distributing, encumbering, wasting, secreting, depreciating, damaging, hypothecating or in any way diminishing the value of, or cause anyone else to do so, the Subject Property.

IT IS FURTHER ORDERED that Zubair Kazi shall transfer any payments that would otherwise be paid to SBK Holdings USA, Inc. related to the Subject Property to the Treasury Forfeiture Fund. Within one week of this order's date, Mr. Kazi shall contact the IRS at (702) 868-5107 to receive payment routing instructions. Within three days of each payment, Mr. Kazi shall notify the United States Attorney's Office of the date and amount of such payment at the following email addresses: adam.elggren@usdoj.gov, and heather.nielson@usdoj.gov.

IT IS FURTHER ORDERED that the IRS shall hold any payments it receives on the promissory note in the Treasury Forfeiture Fund until further order of the court.

IT IS FURTHER ORDERED that during the pendency of this matter, that the IRS and the United States Attorney's Office for the District of Utah, are entitled to enforce the promissory note described in Exhibit A. During the pendency of this matter, SBK Holdings USA, Inc. is not entitled to enforce the promissory note described in Exhibit A.

IT IS FURTHER ORDERED that the United States or any Subject of this Order may seek modifications of this Order if it is deemed necessary by them to preserve their interest in the Subject Property.

IT IS FURTHER ORDERED that any Subject of this Order shall be permitted to execute a satisfactory performance bond pursuant to 21 U.S.C. § 853(e)(1), incorporated by 18 U.S.C. § 982(b)(1), as an alternative to the restraint of the subject property. After notice to the United States and an opportunity to be heard, the Court shall determine whether any proposed bond is a satisfactory performance bond.

IT IS FURTHER ORDERED that as soon as practicable the IRS or other appropriate federal agency shall serve a copy of this Restraining Order upon Jacob Ortell Kingston, Isaiah Elden Kingston, Lev Aslan Dermen, Washakie Renewable Energy, LLC, SBK Holdings USA, Inc., and Zubair Kazi, and shall make a return thereon reflecting the date and time of service.

THIS RESTRAINING ORDER shall remain in full force and effect until further order of this Court.

Dated: August 23, 2018

SO ORDERED:

A handwritten signature in black ink, appearing to read "Jill N. Parrish", written over a horizontal line.

Jill N. Parrish  
United States District Judge

**Exhibit A**

The property subject to the court's restraining order is described as follows:

Lev Aslan Dermen, Jacob Ortell Kingston, Isaiah Elden Kingston, Washakie Renewable Energy, LLC, and SBK Holdings USA, Inc.'s interest in a promissory note, and the note itself, executed on or about February 4, 2015, by Lev Aslan Dermen and Zubair Kazi to document a loan to Mr. Kazi and made payable to SBK Holdings USA, Inc.

All payments that Zubair Kazi owes to SBK Holdings USA, Inc. under said promissory note.